

February 7, 2023

The Honorable Jesse M. Furman
United States District Judge for the Southern District of New York
Thurgood Marshall Courthouse
40 Centre Street, Room 2202
New York, NY 10007

Re: *Golden Unicorn Enters., Inc. v. Audible, Inc.*, 1:21-cv-7059-JMF

Your Honor:

The parties write to request the Court's approval of a procedure for moving to seal Plaintiffs' Reply Memorandum of Law in Support of Plaintiffs' Motion for Class Certification ("Reply Brief") and the supporting exhibits. Plaintiffs intend to file documents Plaintiffs and/or Audible designated as "confidential" or "highly confidential" pursuant to the parties' Protective Order (ECF No. 44) in support of their Reply Brief. Plaintiffs are still preparing the Reply Brief and do not have a final brief or set of documents they intend to file in support. On February 6, 2023, Plaintiffs notified Audible of their intention to file Audible's confidential and highly confidential documents, and the parties agreed on the below procedure, which is similar to the one the Court approved for Plaintiffs' Memorandum of Law in Support of their Motion for Class Certification and Audible's Opposition to Plaintiffs' Motion for Class Certification. *See* ECF Nos. 127, 136, 161.

- **February 9, 2023:** Plaintiffs file their letter-motion to seal. Plaintiffs file their Reply Brief and all supporting documents under seal. Any portions Plaintiffs seek to redact will be highlighted in yellow.
- **February 21, 2023:** Audible files any letter-motion to seal its documents and sends Plaintiffs any highlighted/redacted exhibits; and
- **February 22, 2023:** Plaintiffs file public and redacted versions of the documents that Audible and Plaintiffs do not move to keep under seal, along with sealed versions of the documents Audible seeks to keep under seal in their entirety or with highlights for proposed redactions.

The parties respectfully request that the Court grant the parties' proposal given the likely number and complexity of the documents at issue and to allow Audible sufficient time to review and justify its need to seal or redact any documents.

Respectfully Submitted,

/s/ Christopher Bagley

Gary W. Jackson

gjackson@farrin.com

Christopher Bagley (admitted *pro hac vice*)

/s/ Jedediah Wakefield

Kathryn J. Fritz

kfritz@fenwick.com

Jedediah Wakefield (admitted *pro hac vice*)

cbagley@farrin.com
Law Offices of James Scott Farrin
555 S. Mangum Street, Suite 800
Durham, NC 27701
(919) 226-1913

Mitchell Breit
mbreit@milberg.com
Leland Belew
lbelew@milberg.com
Milberg Coleman Bryson Phillips Grossman,
PLLC
100 Garden City Plaza, Suite 500
Garden City, NY 11530
(212) 594-5300

jwakefield@fenwick.com
Nicholas A. Santos (admitted *pro hac vice*)
nsantos@fenwick.com
FENWICK & WEST LLP
555 California Street, 12th Floor
San Francisco, CA 94104
Telephone: 415.875.2300

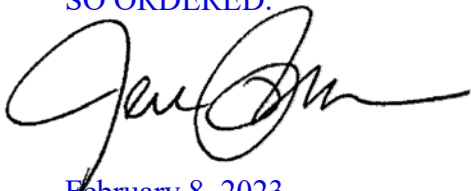
Brian D. Buckley (admitted *pro hac vice*)
bbuckley@fenwick.com
Deena Feit (admitted *pro hac vice*)
dfeit@fenwick.com
Wenbo Zhang (New York Bar No. 5623186)
wzhang@fenwick.com
FENWICK & WEST LLP
1191 Second Avenue, 10th floor
Seattle, WA 98101
Telephone: 206.389.4510

*Attorneys for Plaintiffs Golden Unicorn
Enterprises, Inc., and Big Dog Books, LLC*

Attorneys for Defendant Audible, Inc.

Application GRANTED. The Clerk of Court is directed
to terminate ECF No. 173.

SO ORDERED.

A handwritten signature in black ink, appearing to be "Jan [unclear]", written over the text "SO ORDERED." and the date.

February 8, 2023